
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, NORTHERN DIVISION

DIRTT ENVIRONMENTAL SOLUTIONS,
INC.; DIRTT ENVIRONMENTAL
SOLUTIONS LIMITED,

Plaintiffs,

v.

LANCE HENDERSON, KRISTY
HENDERSON; FALKBUILT, INC.;
FALKBUILT LTD.; MOGENS
SMED; FALK MOUNTAIN
STATES, LLC,

Defendants.

MEMORANDUM DECISION AND
ORDER GRANTING MOTION TO
COMPEL

Case No. 1:19-cv-144 DPB

District Judge David P. Barlow

Chief Magistrate Judge Dustin B. Pead

This matter is before the court on Plaintiff DIRTT Environmental Solutions Inc.’s Short Form Motion to Compel Henderson Defendants’ Document Production. (ECF No. 88.)¹

BACKGROUND

Plaintiffs offer products and services for the “digital design of component, prefabricated construction to build out interior spaces in buildings (referred to as “interior construction”).” Amended Compl. ¶ 4, ECF No. 117. Plaintiffs allege certain Defendants left DIRTT to become employees of Falkbuilt. These individuals allegedly took information utilized while in DIRTT’s employ, including designs, know-how, and certain trade secrets such as pricing information and customer contact information.

¹ District Judge Dee Benson initially referred this matter to the undersigned in accordance with [28 U.S.C. § 636\(b\)\(1\)\(A\)](#). (ECF No. 14.) It is now assigned to District Judge David B. Barlow who affirmed the prior order of reference. (ECF No. 41.) The court elects to decide the motion on the basis of the written memoranda. See DUCivR 7-1(f).

DISCUSSION

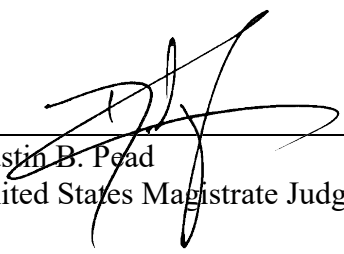
Plaintiffs assert that the Henderson Defendants have “categorically refused to produce documents, despite acknowledging identifying and sequestering responsive information.” (ECF No. 88 p. 2.) In response, the Henderson Defendants aver that they have responded to “all requests not involving trade secrets.” (ECF No. 94 p. 2.) The Henderson Defendants argue that DIRT must identify its trade secrets with particularity and distinguish authority from this court, *Cvent Inc. v. Rainfocus, Inc.*, 2019 WL 7837157, at *2 (D. Utah April 4, 2019). On January 25, 2021, the court entered a decision rejecting that line of arguments. (ECF No. 145.) Accordingly, the court need not readdress them here.

The Henderson Defendants allege that they have raised “several other objections” to the requests. To the extent that Defendants claim some type of privilege or other exception, then that should be documented in a privilege log and produced to Plaintiffs. The court does not have enough information before it regarding any other objections to deny Plaintiffs’ motion.

ORDER

Accordingly, because the court has now rejected Defendants’ arguments regarding specifically identifying trade secrets, and based upon the standards of discovery found in Rule 26, the court GRANTS Plaintiffs’ Motion to Compel.

DATED this 27 January 2021.



Dustin B. Pead
United States Magistrate Judge